

Notice of Allowability

Application No.

10/085,899

Examiner

Paul Durand

Applicant(s)

KRAUSZ, SAM

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3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal filed 5/5/04.
2. ☒ The allowed claim(s) is/are 1.
3. ☒ The drawings filed on 24 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Myron Amer (applicant's representative) on 9 June 2004.
3. The application has been amended as follows:

In the claims:

Rewrite claim 1 as follows:

1. A method of making readily accessible-to-use first-aid procedures for an auto comprising the steps of:

providing ~~purchasing~~ plural commercially available plastic CD holders of an established uniform rectangular shape and dimensional size correlated to an established uniform circular shape and dimensional size of a CD content therein;

establishing a storage site between an auto driver and front passenger's seats constituted of walls bounding a storage compartment with top edges thereon bounding an opening into said storage compartment;

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arranging a cover for opening and closing movements in relation to said storage compartment opening ~~a cover for said storage compartment~~;

disposing in said storage compartment said commercially available plural CD holders with CD contents as provided purchased;

emptying the CD content from one of the provided commercially available CD holders and placing inside ~~placing in an empty CD holder selected~~ first-aid treating items constituted of a bulk of a lesser extent than a space vacated by the removal of said CD contents from one of the commercially available CD holders as purchased of a CD holder; and

commingling with said commercially available CD holders in said storage compartment at least said one commercially available CD holder having first-aid-treating contents therein;

whereby said cover serves as an arm rest and when in an open condition a user has the same extent of accessibility to said first-aid-treating contents as is afforded to said CDs.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: appellant's arguments, see the Appeal Brief, filed 5 May 2004, with respect to the rejection of claim 1 under 35 USC

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103(a) have been fully considered and are persuasive. A reference date for the "Medi CD Kit" reference has not been established, and thus the reference cannot properly be considered prior art; accordingly, the rejection of claim 1 under 35 USC 103(a) has been withdrawn. Furthermore, the remaining prior art of record fails to anticipate or render obvious the claimed subject matter set forth in claim 1. Finally, the previous rejection under 35 USC 112, 2nd paragraph is also withdrawn in light of the above examiner's amendment to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is (703) 305-4962. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be

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reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Stephen F. Gerrity", is written over the printed name.

Stephen F. Gerrity
Primary Examiner
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PD
6/9/04